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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Acts & Regulations passed by His Highness the Maharaja of Mysore.

REGULATION I OF 1886.

THE FOLLOWING REGULATION RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE FIFTEENTH DAY OF MARCH 1886, AND IS HEREBY PROMULGATED FOR GENERAL INFORMATION.

A Regulation introducing into the Territories of Mysore the Code of Criminal Procedure, Act X of 1882, *in supersession of Act X of* 1872, *as amended by Act XI of* 1874.

WHEREAS it is expedient to apply to the Territories of Mysore Act X of 1882 of the Governor General of India in Council, His Highness the Maharaja is pleased to enact that the aforementioned Act shall have the force of law in the Territories of Mysore subject to the omissions, alterations and additions hereunder specified, namely :—

1. All provisions relating to Presidency Towns, to the Courts of Presidency Magistrates, to the High Courts of Judicature established by Royal Charter, to the Chief Court of the Punjab, to the Courts of the Recorder of Rangoon and the Judicial Commissioner of British Burmah, and to the appointment, suspension, removal and the powers of the Justices of the Peace, and all provisions expressly relating to specified particular places, Courts, Offices or Local Governments outside the Territories of Mysore, shall be omitted. Nothing herein contained shall be deemed to confer any jurisdiction in proceedings against European British Subjects.

2. All provisions requiring the sanction of the Governor General in Council to an Act of the Local Government, or attaching any function to the Governor General in Council, shall be omitted.

3. In Sections 28, 29, 106, 206, 207, 213, 216, 217, 218, 226, 227, 337, 347, 348, 424, 463, 465, 469, 478, 479, 487, 499, 516, 517 and 532, all provisions relating to the High Court shall be omitted as if no reference had been made in such Sections to such High Court.

4. For the words "British India," read "The Territories of Mysore."

5. For the words "Any Local Government" or "The Local Government" or "Every Local Government" or "The same Local Government," read "The Government of Mysore."

6. For "District Superintendent" and "Assistant District Superintendent," read "Deputy or Assistant Commissioner."

7. For "Collector" read "Deputy Commissioner".

8. For the words "Her Majesty" read "His Highness the Maharaja of Mysore."

9. For the words "Her Majesty's Army" read "His Highness the Maharaja's Military Forces."

10. In Sections 1 and 2 for "January 1882" read "July 1886".

11. In Section 1, paragraph 2, for the Clauses (*a*), (*b*), (*c*), (*d*), and (*e*), substitute "Village Police Officers in the Territories of Mysore."

12. In Section 3, omit the words "and the expression 'Magistrate of Police' shall be deemed to mean 'Presidency Magistrate'."

13. For the words "The High Court" or "Any High Court" or A High Court, or "High Court," read "The Chief Court"; and for Clause (*i*) of Section 4, substitute the following:—

"The Chief Court shall mean the highest Court of Criminal Appeal or revision within the Territories of Mysore."

14. In Clause (*n*) of Section 4, omit the words "a vakil and an attorney".

15. In Section 6, paragraph 1, for "five" read "four".

16. In Section 7, for "Every Province" read "The Province".

17. For Section 30, the following shall be substituted:—

"The Government of Mysore may, notwithstanding anything contained in Section 29, invest the District Magistrate with power to try as a Magistrate all offences not punishable with death."

18. In Section 45, for the words "Court of Wards" read "District Court".

19. In Section 54, omit the sixth Clause.

20. In Section 132, for the words "Governor General in Council," substitute "Government of Mysore".

21. For the first paragraph of Section 164 read "Any Magistrate may record any statement or confession made to him in the course of an investigation under this Chapter, or at any time afterwards before the commencement of the inquiry or trial, provided that such Magistrate has not acted as a Police Officer in the investigation".

22. In Section 174, for paragraph 4, substitute the following :—

"Investigations under this Section may be made by the Village Patel, who shall then report the result to the nearest Magistrate authorized to hold inquests."

23. In Section 186, omit the words "whether within or without British India."

24. For Section 188, substitute the following Section :—

"188. When any subject of His Highness the Maharaja of Mysore commits an offence at any place beyond the Territories of Mysore, he may be dealt with in respect of such offence as if it had been committed at any place within the Territories of Mysore at which he may be found.

Provided that he has not been already tried for the same offence at the place where it was committed ;

and provided that, if it be an offence for which extradition can be demanded by the British Government, the Government of Mysore shall in the first instance refer to the British Resident in Mysore to ascertain whether the British Government waives its right to demand the surrender of the accused."

25. In Section 189, omit the words "the Political Agent or."

26. Omit Sections 190 and 194.

27. To Section 191 the following shall be added, namely :—

"When a Magistrate takes cognizance of an offence under clause (*c*), the accused, or, when there are several persons accused, any one of them, shall be entitled to require that the case shall, instead of being tried by such Magistrate, be either transferred to another Magistrate or committed to the Court of Session."

28. In Section 197, omit the words "the Government of India or," and for the words "the Government having power to order his removal" read "such Government."

29. In Section 211, paragraph 2, omit the words commencing with "and where the accused" up to the end of the Section.

30. Omit Section 214.

31. In Section 215 omit the words and figures "or Section 214."

32. In Section 216, omit the 2nd paragraph.

33. In Section 320, for clause (*c*) substitute "Deputy Commissioners."

34. In Section 341, omit the words "in the case of a Court other than a High Court."

35. Omit Section 266, Section 267, Section 273, the first paragraph of Section 274, the 3rd proviso to Section 276, paragraph 3 of Section 277, Section 296, Section 305, Section 308, Section 311, Section 312, Section 313, Section 314, Section 315, Section 316, Section 317, Section 318, Section 333, Section 334, Section 335, Section 336, Section 362, Section 365, and Section 539.

36. In Section 344, paragraph 3, omit "other than a High Court."

37. In Section 408, omit proviso (*b*).

38. Omit Section 434.

39. In Section 439, omit the words "applies to an entry made under Section 273 or."

40. Omit Sections 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, and 459.

41. In Section 462, omit the words and figures "Section 451 or."

42. In Section 463, omit the words "European British Subjects" after the word "against."

43. In Section 477, omit the words "Subject to the provisions of Section 444."

44. In Section 480, omit paragraph 2.

45. Omit Section 491.

46. In Section 503, for paragraph 2, substitute the following :—

"When the witness resides in British India, the Commission may be issued to such Officer as the British Indian Government appoints in this behalf."

47. Omit Section 504.

48. (1) In Section 526, omit the words and figures "Except as provided in Section 267," and insert the following after clause (*d*) :—

"or

"(*e*) that such an order is expedient for the ends of justice."

(2) In the same Section, after clause (3) the following shall be inserted, namely :—

"or

"(4) that an accused person be committed for trial to itself or to a Court of Session."

49. After Section 526 the following Section shall be inserted, namely :—

Adjournment on application under Section 526.

"526 A. If, in any criminal case or appeal, before the commencement of the hearing, the public prosecutor, the complainant or the accused notifies to the Court before which the case or appeal is pending, his intention to make an application under Section 526 in respect of the case, the Court shall exercise the powers of postponement or adjournment given by Section 344 in such a manner as will afford a reasonable time for the application being made and an order being obtained thereon, before the accused is called on for his defence, or, in the case of an appeal, before the hearing of the appeal."

50. Omit Section 527.

51. To Section 528 the following shall be added, namely :—

"A Magistrate making an order under this Section shall record in writing his reason for making the same."

52. For Section 553, substitute the following :—

"With the previous sanction of the Government of Mysore, the Chief Court may, from time to time, make rules for the inspection of the records of subordinate Courts, and it may, with likes anction from time to time—

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(*a*) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it and for the preparation and transmission of any returns or statements to be prepared and submitted by such courts ;

(*b*) frame forms for every proceeding in the said Courts for which it thinks that a form should be provided.

(*c*) make rules for regulating its own practice and proceedings, and the practice and proceedings of all Criminal Courts subordinate to it ; and

(*d*) make rules for regulating the execution of warrants issued under this Code for the levy of fines.

Provided that the Rules and Forms made and framed under this Section shall not be inconsistent with this Code or any other law in force for the time being.

All Rules made under this Section shall be published in the Official Gazette."

53. In Section 554, omit the words and figures from the commencement to "Section 15,"

54. The Notifications of the Government of India, Foreign Department, No. 143 J., dated 18th July 1872, in so far as it relates to the Code of Criminal Procedure, Act X of 1872, and No. 139 J., dated 24th July 1874, and para 1 of No. 27 I. J., dated 23rd January 1880, are hereby repealed from the first day of July 1886.

K. SHESHADRI IYER,
Dewan of Mysore.

BANGALORE,
2nd April 1886.